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REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS

Report of the Fifth Committee

Rapporteur: Mr. Mahbub KABIR (Bangladesh)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled "Review of the efficiency of the administrative and financial functioning of the United Nations" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered agenda item 121 at its 7th to 14th, 18th, 19th, 22nd, 23rd, 25th, 26th and 42nd meetings on 28 and 29 October, 1 to 4, 8, 10, 16, 17, 22, 23, 29 and 30 November and 17 December 1993. Comments and observations made in the course of the Committee's consideration of these items are reflected in the relevant summary records (A/C.5/48/SR.7-14, 18, 19, 22, 23, 25, 26 and 42).

3. For consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee for Programme and Coordination (A/48/16, Parts I and II); 1/

(b) Report of the Secretary-General on the possible new approach to programme planning (A/48/277);

1/ To be issued as Official Records of the General Assembly, Forty-eighth Session, Supplement No. 16 (A/48/16).

(c) Report of the Secretary-General on review of the procedures for the provision of statements of programme budget implications and for the use and operation of the contingency fund; methodology for estimates for preventive diplomacy and peacemaking in future budget outlines and programme budgets (A/48/281);

(d) Report of the Secretary-General on the restructuring and efficiency of the Secretariat (A/48/428);

(e) Report of the Secretary-General on accountability and responsibility of programme managers in the United Nations (A/48/452);

(f) Note by the Secretary-General on the Office for Inspections and Investigations (A/48/640);

(g) Notes by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "Managing works of art in the United Nations" (A/48/72) and the comments of the Secretary-General thereon (A/48/72/Add.1);

(h) Notes by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "Accountability and oversight in the United Nations Secretariat" (A/48/420) and the comments of the Secretary-General thereon (A/48/420/Add.1 and Add.1/Corr.1);

(i) Note by the Secretary-General on procedures and norms for the creation, suppression, reclassification, conversion and redeployment of posts (A/C.5/48/2);

(j) Report of the Secretary-General on high-level posts (A/C.5/48/9 and Corr.1 and Add.1);

(k) Letter dated 24 November 1993 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (A/C.5/48/35).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.5/48/L.2

4. At the 13th meeting, on 8 November, the Vice-Chairman, following informal consultations, introduced a draft resolution entitled "Managing works of art in the United Nations: report of the Joint Inspection Unit" (A/C.5/48/L.2).

5. At the same meeting, the Committee adopted draft resolution A/C.5/48/L.2 without a vote (see para. 10, draft resolution I).

B. Draft resolution A/C.5/48/L.6

6. At its 42nd meeting, on 17 December, the Chairman, following informal consultations, introduced a draft resolution entitled "Review of the efficiency

of the administrative and financial functioning of the United Nations" (A/C.5/48/L.6) and orally revised operative paragraph 8 of section II.

7. The representative of Egypt spoke in explanation of position before the Committee took a decision on the draft resolution (see A/C.5/48/SR.42).

8. At the same meeting, the Committee adopted draft resolution A/C.5/48/L.6, as orally revised, without a vote (see para. 10, draft resolution II).

9. Statements in explanation of position were made by the representatives of Cuba, Brazil, Denmark (on behalf of the Nordic countries) and China. The representative of Egypt made a statement (see A/C.5/48/SR.42).

III. RECOMMENDATIONS OF THE FIFTH COMMITTEE

10. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Managing works of art in the United Nations: report of the Joint Inspection Unit

The General Assembly,

Having considered the report of the Joint Inspection Unit entitled "Managing works of art in the United Nations" 2/ and the comments of the Secretary-General thereon, 3/

Having heard the further comments and explanations provided by the representative of the Secretary-General,

1. Takes note with appreciation of the report of the Joint Inspection Unit entitled "Managing works of art in the United Nations" and the comments of the Secretary-General thereon;

2. Requests the Secretary-General to continue to improve the management of works of art in such a manner as to avoid additional costs to the regular budget of the United Nations, with due regard to the quality of services being provided;

3. Recommends the strengthening of the Arts Committee of the United Nations by the advice of local experts in honorary capacities;

2/ A/48/72.

3/ A/48/72/Add.1

4. Requests the Secretary-General to report on the subject to the General Assembly at its fiftieth session.

DRAFT RESOLUTION II

Review of the efficiency of the administrative and financial functioning of the United Nations

I

The General Assembly,

Having considered the relevant reports submitted under the item on the review of the efficiency of the administrative and financial functioning of the United Nations, 4/

Mindful of the need for sustained efforts to improve the efficiency of the administrative and financial functioning of the United Nations,

Stressing that the late issuance of documentation has hampered consideration by the General Assembly of important issues, and that the Secretary-General should ensure that all future reports are issued on time,

A

MANDATES AND PREROGATIVES

1. Expresses concern at the inadequate implementation of General Assembly mandates in some cases and the undertaking of non-mandated measures in other cases;

2. Stresses again the importance of sustained, timely and substantive dialogue and consultations between the Member States and the Secretary-General;

B

PROGRAMME PLANNING

1. Takes note of the report of the Secretary-General; 5/

2. Reaffirms that the medium-term plan for the period 1992-1997, originally approved by the General Assembly in its resolution 45/253 of 21 December 1990 and revised under the terms of its resolution 47/214 of 23 December 1992, constitutes the principal policy directive of the United

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4/ A/48/16 (Part II); A/48/277; A/48/420 and Add.1 and Add.1/Corr.1; A/48/428; A/48/452; A/48/640; A/C.5/48/2 and A/C.5/48/9 and Corr.1 and Add.1.

5/ A/48/277.

Nations, as set out in regulation 3.3 contained in resolution 37/234 of 21 December 1982;

3. Notes that in its present format the medium-term plan has a limited impact on the work of the Organization;

4. Regrets that a prototype of a new format of the medium-term plan has not been provided as requested by the General Assembly in its resolution 47/214;

5. Notes with appreciation the recommendation by the Committee for Programme and Coordination that consideration be given to the possibility of replacing the current medium-term plan by a document prepared along a different format as outlined in paragraph 233 of its report, 6/ reiterates its request to the Secretary-General to submit to the General Assembly at its forty-ninth session, through the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions, a prototype of a new format of the medium-term plan, taking into account the present resolution and the views expressed by Member States in the Fifth Committee, and decides to give this issue in-depth consideration at its forty-ninth session on the basis of the relevant documentation;

6. Requests the Secretary-General to prepare the proposed revisions to the medium-term plan, to be submitted to the General Assembly at its forty-ninth session, in accordance with regulation 3.11 of the Regulations Governing Programme Planning, and taking into account the relevant conclusions and recommendations of the Committee for Programme and Coordination at its thirty-third session; 7/

C

RESTRUCTURING OF THE SECRETARIAT

1. Takes note of the report of the Secretary-General on the restructuring and efficiency of the Secretariat; 8/

2. Also takes note of the indication by the Secretary-General in his statement to the Fifth Committee 9/ that the Secretariat can now enter into a phase of consolidation;

3. Regrets that the report of the Secretary-General does not provide an analysis of the effects of the restructuring on programmes as requested in General Assembly resolutions 46/232 of 2 March 1992 and 47/212 A and B of

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6/ A/48/16 (Part II).

7/ Ibid., paras. 231-238.

8/ A/48/428.

9/ See A/C.5/48/SR.24.

23 December 1992 and 6 May 1993 and does not include proposals on decentralization measures;

4. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session, through the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions, an analytical report on all aspects of the restructuring of the Secretariat and its effects on the programmes, including the United Nations Conference on Trade and Development and Transnational Corporations;

5. Reaffirms paragraph 8 of section II of its resolution 47/212 B and requests the Secretary-General to take that paragraph into account in formulating his forthcoming proposals on decentralization measures;

6. Reiterates its requests relating to the International Trade Centre and the United Nations Centre for Human Settlements (Habitat), in paragraph 3 (b) and (c) of section I of its resolution 47/212 B, and stresses the need for the Secretary-General to implement fully and promptly the decisions of the General Assembly contained therein;

7. Recalls its resolution 44/201 A, section VIII, of 21 December 1989 on the desirability of the establishment of unified conference services in Vienna;

8. Stresses the need for the establishment of unified conference services in Vienna as soon as possible and requests the Secretary-General to report on their establishment no later than at its forty-ninth session;

D

HIGH-LEVEL POSTS

1. Stresses that, once approved by the General Assembly, high-level posts should be filled promptly in order to enable the relevant entities to function properly and undertake the implementation of their mandates without undue delays;

2. Decides to keep under review the number and distribution of high-level posts, including those financed from extrabudgetary resources, and requests the Secretary-General to provide a clear rationale for the establishment of such posts in the context of future proposals he may make;

3. Decides in the context of paragraph 6, section I.C, of the present resolution to maintain the current approved senior management arrangement for the United Nations Centre for Human Settlements (Habitat);

E

IMPROVEMENT OF THE MANAGEMENT OF THE UNITED NATIONS

1. Takes note of the note by the Secretary-General on procedures and norms for the creation, suppression, reclassification, conversion and

redeployment of posts, 10/ regrets that the Secretary-General did not provide a report on those issues and further requests that such a report be submitted, through the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions, to the General Assembly at its forty-ninth session;

2. Also takes note of the report of the Secretary-General on accountability and responsibility of programme managers in the United Nations, 11/ and regrets that the report does not provide an adequate response to the requests of the General Assembly in resolutions 46/185 B and 46/189 of 20 December 1991, resolution 47/212 B of 6 May 1993 and in section V, paragraph 2 of its resolution 47/214 of 23 December 1992;

3. Takes note with appreciation of the report of the Joint Inspection Unit on accountability and oversight in the United Nations Secretariat 12/ and of the comments of the Secretary-General thereon; 13/

4. Endorses the recommendations of the Committee for Programme and Coordination on the establishment of a transparent and effective system of accountability and responsibility no later than 1 January 1995, as contained in paragraphs 243 to 245 of its report; 6/

5. Requests the Secretary-General to include in the system of accountability and responsibility the following elements, taking into account relevant experiences within and outside the United Nations system:

(a) The establishment of clear responsibility for programme delivery, including performance indicators as a measure of quality control;

(b) A mechanism ensuring that programme managers are accountable for the effective management of the personnel and financial resources allocated to them;

(c) Performance evaluation for all officials, including senior officials, with objectives and performance indicators;

(d) Effective training of staff in financial and management responsibilities;

6. Requests the Secretary-General to submit a report on the establishment of the system to the General Assembly at its forty-ninth session through the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions.

10/ A/C.5/48/2.

11/ A/48/452.

12/ A/48/420.

13/ A/48/420/Add.1 and Add.1/Corr.1.

II

The General Assembly,

Recalling its responsibility under Article 17 of the Charter of the United Nations with regard to financial and budgetary matters,

Recalling also Article 97 of the Charter concerning the responsibility of the Secretary-General as chief administrative officer,

Recognizing the increased importance, cost and complexity of United Nations activities,

Recognizing also the need for an enhanced oversight function to ensure the effective implementation of these activities in the most cost-effective manner possible,

Recognizing further the need for adequate intergovernmental programme evaluation with full respect for existing legislative mandates,

1. Recalls the need for the establishment of a system of responsibility and accountability for United Nations officials, as called for in section I.E of the present resolution;

2. Reaffirms the role of the Board of Auditors as an external control mechanism pursuant to resolution 74 (I) of 7 December 1946, other relevant resolutions of the General Assembly and the Financial Regulations and Rules of the United Nations, for oversight, monitoring and control by the General Assembly of the administrative and financial functioning of the United Nations;

3. Recognizes the role of the Joint Inspection Unit in accordance with its mandate, contained in resolution 31/192 of 22 December 1976;

4. Reaffirms the existing mandates of relevant intergovernmental and expert bodies of the General Assembly in the field of administration, budgetary and management matters;

5. Also reaffirms its decision 47/454 of 23 December 1992;

6. Emphasizes the need to ensure respect for the separate and distinct roles and functions of external and internal oversight mechanisms and also to strengthen the external oversight control mechanisms;

7. Stresses that oversight mechanisms should guarantee full respect for the individual rights of staff members and due process of law;

8. Requests the Panel of External Auditors and the Board of Auditors to provide their views on how oversight functions could be improved, according to

current reporting procedures, and in this regard decides to consider the relevant report of the Joint Inspection Unit; 14/

9. Resolves that the decision to establish an additional independent entity, taking into account Article 97 of the Charter, to enhance oversight functions, in particular with regard to evaluation, audit, investigation and compliance, be taken subject to the definition of its modalities, including its relationship with existing control mechanisms;

10. Stresses, in this regard, that any administrative structure should be aimed at ensuring efficiency and cost-effectiveness, especially with regard to programme delivery;

11. Decides, in this regard, to continue consideration of this issue at the earliest possible opportunity during its current session.

III

The General Assembly,

Stressing the necessity of proper management of resources and funds of the United Nations,

Determined to address alleged cases of fraud in the United Nations in an impartial manner, in accordance with due process of law and full respect for the rights of each individual concerned, especially the rights of defence,

Taking note of the views expressed by Member States during its forty-eighth session,

1. Decides to study the possibility of the establishment of a new jurisdictional and procedural mechanism or of the extension of mandates and improvement of the functioning of existing jurisdictional and procedural mechanisms;

2. Decides also to this end to establish an ad hoc intergovernmental working group of experts in the legal and financial fields which will work in consultation with the relevant existing bodies and will submit a report to the General Assembly with specific recommendations no later than its forty-ninth session;

3. Further decides that the group will consist of 25 members and invites the President of the General Assembly to define the composition of the working group, with due regard for equitable geographical representation, and to convene it as soon as possible and no later than 31 March 1994;

4. Requests the Secretary-General to provide the group with the necessary services;

14/ A/48/420.

5. Also requests the Secretary-General to seek the views of Member States on the issue identified in paragraph 1 above, and to bring these views to the attention of the ad hoc intergovernmental working group of experts as well as to the attention of the General Assembly;

6. Invites Member States to make voluntary contributions to fund the activities of the above-mentioned working group;

7. Decides to defer consideration of the report of the Secretary-General on the recovery of misappropriated funds 15/ to the General Assembly at its resumed forty-eighth session and requests the Advisory Committee on Administrative and Budgetary Questions to comment on it.

IV. PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTION II (A/C.5/48/L.6)

11. Also at its 42nd meeting, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/48/56) on the programme budget implications of draft resolution A/C.5/48/L.6. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman.

12. Statements and comments made in the course of the Committee's consideration of this item are reflected in the relevant summary record (A/C.5/48/SR.42).

V. DECISION OF THE FIFTH COMMITTEE

13. The Fifth Committee decided, without a vote, to inform the General Assembly that, should it adopt draft resolution II (A/C.5/48/L.6), no additional appropriations would be required at this stage for servicing the working group of 25 experts.

15/ A/48/572